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09/910,516	07/20/2001	Timothy Glass	82543	2105

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EXAMINER

HARRIS, ERICA B

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/910,516

Applicant(s)

GLASS, TIMOTHY

Examiner

Erica B Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. The abstract of the disclosure is objected to because it attempts to compare the invention to the prior art by using the word "improved". Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities:

in paragraph 0014, line 8, "articled can be" should be --articles can be--;

in paragraph 0015, line 5, "a base which provided" should be a base which  
is provided--;

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in paragraph 0023, line 2, “joining substantially as shown in FIGS. 1, 2

and 5, outer” should be --joining, substantially as

shown in FIGS. 1, 2 and 5, outer--;

line 3, “members 20, inner vertical members 21”

should be --members 20, and inner vertical member

21--;

lines 4-5, “video media to removably stored” should be

--video media to be removably stored--;

lines 10 and 12, “article storage display 10” should

either be --article storage display tower 10-- or

--storage display tower 10-- or --display tower 10--;

in paragraph 0024, line 1, “top 22” should be --top 28--;

lines 4 and 6, “article storage display 10” should

either be --article storage display tower 10-- or

--storage display tower 10-- or --display tower 10--;

in paragraph 0025, lines 10, 12, 12-13, and 13-14, “article storage display

10” should either be --article storage display tower

10-- or --storage display tower 10-- or --display tower

10--;

line 14, “base 40” should be --base 46--;

in paragraph 0026, line 1, “top 18” should be --top 28--;

line 3, “shaft 37” should be --shaft 36--; and

in paragraph 0029, lines 2 and 3, “seven rows of cells 24” should be

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--seven rows 24 of cells 22--.

Appropriate correction is required.

### *Drawings*

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

reference number "50" is not shown in Figure 1, as stated in the specification, in paragraph 0021; and reference numbers "39" (paragraph 0022), "36B", "36C", and "55" (paragraph 0025) are not shown in any figure.

5. The drawings are objected to because

in Figure 1, the lead line from reference number "16" should end in an arrow because it denotes a feature further defined by additional reference numbers;

in Figure 4, reference number "36" denoting the shaft end should be --36B--; and

all extraneous information should be removed from the drawings, i.e., "(REAR)" adjacent the label for Figure 2.

6. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

7. Claims 1 and 15 are objected to because of the following informalities:

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in claim 1, line 4, "each of the cells sized to receive" should be --each of the cells being sized to receive--; and

in claim 15, line 4, "each of the cells sized to receive" should be --each of the cells being sized to receive--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 2-4, 9-12, and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 2 is indefinite because it is unclear what the connector assembly is "rotatably mounted to" because the remainder of the claim states that it is "positioned between the base and the cell structure bottom." Is the connector assembly rotatably mounted to the base, the shaft, or some other structure?

11. Claims 4 and 12 are indefinite because they attempt to define subject matter that was previously only functionally recited. Claims 4 and 12 depend from claims 1 and 9, respectively, in which the "articles" are functionally set forth in the phrase "for the storage and display of articles." The defining of the articles in claims 4 and 12 is indefinite because it is unclear if applicant intended to claim the combination of the tower and the articles or merely the subcombination as recited. If applicant intends to claim the combination, then the preamble of the claims should be amended to reflect a

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combination. If applicant intends to claim the subcombination, then claims 4 and 12 will have no patentable weight because they are based on functional recitations.

12. Claim 9 recites the limitation "The tower" in line 1. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 10 is indefinite because it is unclear what the connector assembly is "rotatably mounted to" because the remainder of the claim states that it is "positioned between the base and the cell structure bottom." Is the connector assembly rotatably mounted to the base, the shaft, or some other structure?

14. Claim 15 is indefinite because it is unclear what the connector assembly is "rotatably mounted to" because the remainder of the claim states that it is "positioned between the base and the cell structure bottom to provide for the cell structure to rotate while the base is stationary." Is the connector assembly rotatably mounted to the base, the shaft, or some other structure?

***Claim Rejections - 35 USC § 102***

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 1, 4, 5, 8, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Rumble (3,938,665). In Figures 1 and 2, Rumble discloses a tower for the storage and display of articles, said tower comprising a cell structure 100 having a top 24, a bottom 25, and a plurality of horizontal 17 and vertical members 13,23 positioned

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between the top and bottom to form a plurality of cells; a base (not shown, but disclosed in column 2, lines 38-44); and a shaft 12 fixed to the base and rotatably connected to the cell structure 100 to enable the cell structure to rotate with respect to the base. Each cell of the structure is sized to receive, hold, and display at least one article. Rumble discloses that each cell has a front opening, a rear opening, and a side opening whereby at least one article can be inserted into a cell through the side opening in column 3, lines 2-20 and illustrates the same in Figure 1. Each of the front and rear openings is of a size that substantially the entire front or rear surface of an article stored in the cell can be displayed.

Regarding claim 4, wherein the article is said to be a compact disc, no patentable weight is given to this recitation because the article was merely functionally recited in claim 1 from which claim 4 depends. Rumble discloses cassettes as an option for the article that is displayed in his tower and he further discloses that the spacing between display sections can be adjusted to accommodate different sized articles (column 3, lines 11-14).

17. Claims 1, 2, 4-10, 12-15, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Guignard et al. (2,738,075). Guignard, in Figures 1-3, discloses a tower for the storage and display of articles 29, said tower comprising a cell structure 25 having a top 17, a bottom 18, and a plurality of horizontal and vertical members positioned between the top and bottom to form a plurality of cells 28; a base 5; a shaft 13 fixed to the base and rotatably connected to the cell structure 25 to enable the cell structure to rotate with respect to the base; a connector assembly 6 mounted to and positioned between the base and the cell structure bottom; and a knob 15. Each cell of the structure



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is sized to receive, hold, and display at least one article. Guignard further discloses that each cell has a front opening, a rear opening, and a side opening, in this case it is a top side opening, whereby at least one article can be inserted into a cell through the side opening in Figure 1. Each of the front and rear openings is of a size that substantially the entire front or rear surface of an article stored in the cell can be displayed. The knob 15 is connected to the top 17 whereby turning the knob rotates the cell structure 25. The shaft further has a threaded end 14 located proximate the base 5 and the connecting assembly 6 is attached to the threaded end to maintain the shaft fixed to the base.

Regarding claim 4, wherein the article is said to be a compact disc, no patentable weight is given to this recitation because the article was merely functionally recited in claim 1 from which claim 4 depends.

### ***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 2, 3, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rumble as applied to claims 1, 4, 5, 8, 9, and 12 above, and further in view of Gioscia (5,568,873). Rumble discloses all of the limitations of these claims with the exception of a connector assembly being rotatably mounted to and positioned between the base and the cell structure bottom, wherein the connector assembly is a lazy suzan. In column 2, lines 38-44, Rumble discloses that the cell structure is rotatably mounted to the

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base, which is not shown. But, Rumble fails to disclose how the cell structure is rotatably mounted to said base. Gioscia, in Figures 1-3, discloses a rotatable cell structure 10 for the storage and display of compact discs 12. The cell structure of Gioscia rotates by means of a lazy suzan type connector assembly, as most clearly illustrated in Figure 3.

To one of ordinary skill in the art at the time the invention was made, it would have been obvious to use a lazy suzan type connector assembly, as taught by Gioscia, to enable the cell structure to rotate relative to said base in a stable and supported manner.

20. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guignard et al. as applied to claims 1, 2, 4-10, 12-15, 17, and 18 above, and further in view of Patterson (3,997,050). All of the limitations of this claim have been disclosed above by Guignard with the exception of a lazy suzan type connector assembly. In Figures 1 and 3, Patterson illustrates a rotatable display structure that employs a lazy suzan type connector assembly, as best shown in Figure 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a lazy suzan type connector assembly, as taught by Patterson, to enable the cell structure to rotate relative to said base in a stable and supported manner.

### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haskett et al. (Des. 364,066), LeHoy (3,337,059), Orr et al. (5,772,055 and 5,971,169), Sparks et al. 4,367,000), and Terpening (5,280,840) are cited to further illustrate the current state of the art of rotatable storage devices having a

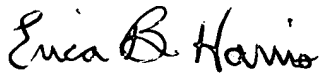
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plurality of cells, each cell including front, rear, and side openings, wherein at least one article can be inserted through the side opening.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica B Harris whose telephone number is 703-306-9071. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

  
Erica B. Harris  
August 25, 2002



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